

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 10 be amended to read as follows:

- 1 Page 2, line 10, after "(d)" insert "A person is justified in using
- 2 reasonable force, including deadly force, against another person if
- 3 the person reasonably believes that the force is necessary to
- 4 prevent or stop the other person from hijacking, attempting to
- 5 hijack, or otherwise seizing or attempting to seize unlawful control
- 6 of an aircraft in flight. For purposes of this subsection, an aircraft
- 7 is considered to be in flight while the aircraft is:
- 8 (1) on the ground in Indiana:
- 9 (A) after the doors of the aircraft are closed for takeoff;
- 10 and
- 11 (B) until the aircraft takes off;
- 12 (2) in the airspace above Indiana; or
- 13 (3) on the ground in Indiana:
- 14 (A) after the aircraft lands; and
- 15 (B) before the doors of the aircraft are opened after
- 16 landing.
- 17 (e)".
- 18 Page 2, after line 20, begin a new paragraph and insert:
- 19 "(f) Notwithstanding subsection (d), a person is not justified in
- 20 using force if the person:
- 21 (1) is committing, or is escaping after the commission of, a
- 22 crime;
- 23 (2) provokes unlawful action by another person, with intent to
- 24 cause bodily injury to the other person; or

**(3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight."**

SECTION 2. IC 35-42-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A person who knowingly or intentionally:

- (1) confines another person without the other person's consent; or
- (2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;

commits criminal confinement. **Except as provided in subsection (b), the offense of criminal confinement is a Class D felony. However;**

**(b) The offense of criminal confinement defined in subsection (a) is:**

- (1) a Class C felony if the other person confined or removed is less than fourteen (14) years of age and is not the confining or removing person's child; and**
- (2) a Class B felony if it:**
  - (A) is committed while armed with a deadly weapon; or**
  - (B) results in serious bodily injury to another a person other than the confining or removing person; or**
  - (C) is committed on an aircraft.**

SECTION 3. IC 35-47-6-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.4. (a) This section does not apply to a person who is:

- (1) employed by:**
  - (A) an airport;**
  - (B) an airline; or**
  - (C) a law enforcement agency; and**
- (2) acting lawfully within the scope of the person's employment.**

**(b) A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection commits a Class A misdemeanor.**

SECTION 4. IC 35-47-6-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.6. (a) A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a Class B felony.

**(b) A person who knowingly or intentionally uses force or violence or the threat of force or violence to hijack an aircraft in flight commits a Class A felony.**

**(c) For purposes of this section, an aircraft is considered to be**

1       **in flight while the aircraft is:**  
2           **(1) on the ground in Indiana:**  
3               **(A) after the doors of the aircraft are closed for takeoff;**  
4               **and**  
5               **(B) until the aircraft takes off;**  
6           **(2) in the airspace above Indiana; or**  
7           **(3) on the ground in Indiana:**  
8               **(A) after the aircraft lands; and**  
9               **(B) before the doors of the aircraft are opened after**  
10           **landing.".**

(Reference is to ESB 10 as printed February 15, 2002.)

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Representative Goodin